

**1. Summary of the Office Action.**

The request for continued examination was indicated.

The drawings were objected to.

Claims 1, 4, 10 and 20-24 were pending.

Claims 1, 4, 10 and 20-24 stand rejected under 35 U.S.C §112, first paragraph.

Claims 1, 4, 10 and 20-24 stand rejected under 35 U.S.C §103(a) over Turudich (US 2004/0021347) in view of Gordon (4,613,187).

**2. Discussion.**

**Drawing Objection**

Responsive to the drawing objection, enclosed are amended drawings identified by "Replacement Sheet".

**Claim Objection(s)**

**Claims 1 and 24 .** These claims were objected to as being informal. Applicant amended the claims to correct the informality of the lack of a period at the end of the claim. The examiner is thanked for pointing this informality out. Withdrawal of the objection is believed to be in order.

**Claim Rejection(s) - 35 USC §112, First Paragraph**

**Claims 1 and 24.** These claims were rejected under 35 USC §112, first paragraph. Claims 1 and 24 are amended to clarify that the motor is in the tube. Regarding orientation of the seat relative to a bicycle frame with which the seat is adapted for use , applicant submits that this relationship is

known in the art in view of the conventional “exterior” configuration of applicant’s claimed seat. For these reasons, the specification and drawings: (a) describe the subject matter defined by the claims, (b) enable any person skilled in the art to make and use the subject matter defined by the claims, (c) set forth the best mode contemplated by the inventor of carrying out the invention. Withdrawal of the rejection is requested.

### **Claim Rejections - 35 USC 103**

**Claims 1 and 24.** These claims were rejected under 35 USC §103 as being obvious over Turudich in view of Gordon. In response to the rejection applicants (1) assert that it would not be obvious to combine the light battery holder tube of Gordon to the seat vibrating motor of Turudich, and (2) applicant has amended claims 1 and 24 to patentably avoid the prior art.

#### ***(1) The Combination of References Used in the 103 Rejection is Not Obvious.***

Applicant believes that it would not be obvious to combine the light battery holder tube disclosed in Gordon with the seat vibrating motor disclosed in Turudich. Firstly, neither reference expressly mentions or even suggests the field of the other. Gordon is directed to a light and does not mention vibration or any other kind of movement. And Turudich is directed to a vibrator and does not mention any kind of lighting. So, no express suggestion exists in the combination taken as a whole. Secondly, a skilled artisan would not be motivated to make the combination because the goals or outcome of each technology substantially differs. Gordon’s lighting device is for rider safety. In contrast, Turudich’s mechanical vibrating system is for rider comfort. The two systems have different goals or outcomes, and therefore structural and functional requirements. In view of the lack of any suggestion or motivation, applicant respectfully submits that one skilled in the art

would not reasonably be led to combine the references to reach the claimed invention absent applicant's teaching.

***(2) The Claims are Amended to Patentably Avoid the Applied Art.***

Notwithstanding the rebuttal of the rejection above, Applicant has amended claims 1 and 24 in view of the rejection to clearly render the claims patentable. Each claim now requires that the tube not only be firmly disposed within the tube tunnel but that the tube substantially fill the tube tunnel. The tube filling the tube tunnel optimizes vibration transfer from the motor to the seat. This structure and function are not shown or suggested in the applied art. Turudich discloses a motor simply clipped (see 57) in a seat with no vibration transfer structure and particularly no tube or tube tunnel. Gordon discloses a battery (no number) disposed in only an end portion of rigid tube 11 enclosed by inner layer 12 and outer cover 14 to form seat bar 10. Applicant respectfully submits that the claims are now patentable.

**3. Conclusion.**

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

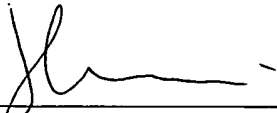
**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

<u>Any fees due are calculated as follows:</u>	<u>Number</u>	<u>Fee</u>
TOTAL claims remaining over that previously paid for:	None	\$0
INDEPENDENT claims remaining over that previously paid for:	None	\$0
	SUM claim fees:	\$0
EXTENSION fees:		\$0
OTHER fees:		\$0
	<u>TOTAL AMOUNT (if any)</u>	\$0
<input type="checkbox"/> Paid by enclosed check.		
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Respectfully submitted,



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### DRAWING AMENDMENTS

Pursuant to 37 CFR 1.84, please amend the drawings by entering the attached papers, each paper being identified "Replacement Sheet".